



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,835	02/17/2004	Max Arthur Lembke	6579-0082-1	9134

7590

03/06/2006

RICHARD R. MICHAUD  
THE MICHAUD-DUFFY GROUP, LLP  
306 INDUSTRIAL PARK ROAD, SUITE 206  
MIDDLETOWN, CT 06457

EXAMINER

MICHALSKI, SEAN M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,835

Applicant(s)

LEMBKE, MAX ARTHUR

Examiner

Sean M. Michalski

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 25-31 is/are rejected.
- 7) ☒ Claim(s) 17 and 19-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

1. Applicants claim of priority to Provisional Patent Application No. 60/448194 filed on February 19, 2003, is noted.

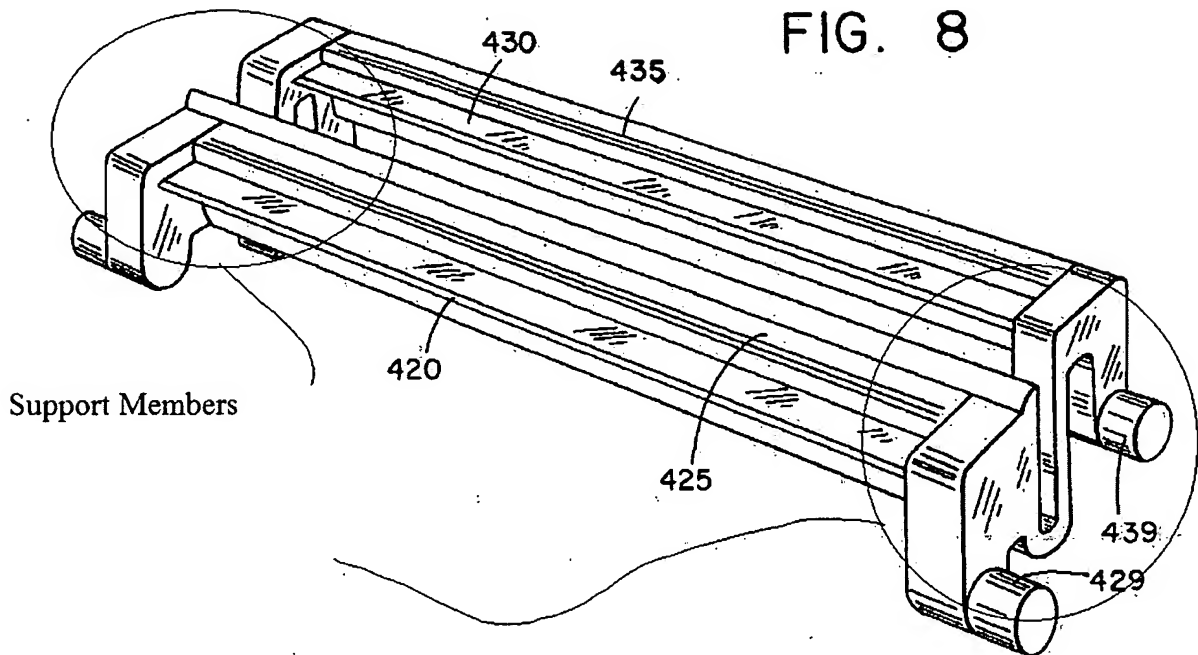
***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Burout et al. (USPN 5,546,660).
4. Regarding claim 1, Burout et al. discloses a multiple blade razor cartridge comprising a plurality of support members (see figure below)



each having a plurality of blade seats (41 figure 2 or 435 figure 7) forming a row (there are seats on the left and right of the support member; this is a 2 point row), each row separated from the next successive row of seats by a flexible hinge (the link 427 figure 7 is a flexible hinge). Burout et al. further discloses at least one retaining member (425 figure 8) connecting said support members such that said support members are spaced apart and approximately parallel to each other. Burout et al. further discloses a plurality of razor blades (420, 430 figure 8) each fixed to a row of blade seats.

Regarding claim 2, Burout et al. further discloses a pair of end guards (80 figure 1) each of said pair coupled to said support members (seen in figure 4 is the support member being coupled to an end guard).

Regarding claim 3, Burout et al. further discloses that the plurality of support members described previously are end support members (as seen in figure 8), such

that said rows of blade seats and said blades affixed to said blade seats terminate at said end support members ( the blades 420 and retaining member 425, 435 all terminate at the end support members as seen in the figure above).

Regarding claim 4, Burout et al. further discloses the end guard is positioned at a lateral end of the plurality of razor blades (80 is shown in figure 1 to be at each lateral end of the blades).

Regarding claim 5, Burout et al. further discloses that at least one retaining member is a row of retaining members ( 425 and 435 figure 8 define a row).

Regarding claim 8, Burout et al. further discloses that there is a pivot member forward of the blades (429 figure 7) and a pivot member aft of said blades (439 figure 7).

Regarding claim 9, Burout et al. further discloses that at least one of said pivot members is male (seen in figure 8).

Regarding claim 11, Burout et al. further discloses that at least one of said pivot members is a pivot head (429 and 439 being male pivot heads).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 6, 7, 10, 13-16, 26 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Burout et al. in view of Christman et al.

8. Claim 6 uses Means plus function language in claiming means for attaching said cartridge to a handle. Reading from the specification, it appears that the means refers to the forward and aft pivot members 26, which connect to the handle via the arm members 16 (page 6 paragraph 30).

Regarding claim 6, Burout et al. discloses all the features of the claimed invention except for the connection of the pivot members to a handle via arm members.

Christman teaches both fore and aft pivot members (numbers 8, 9, 11 figure 1 form the pivot members) being attached to a handle (1 figure 1), via arm members ( 10 figure 1).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Burout et al by using pivot members to connect to a handle via arm members as taught by Christman et. al. The motivation to combine is that the pivoting connection with a handle allows for movement in response to shaving forces (see Christman et al. column 2 lines 40-43).

Regarding claim 7 Christman further teaches that the connection between cartridge and handle is releasable (the portion of 11 which depends into the cartridge can be removed allowing the cartridge to be replaced).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Burout et al. by making said connection releasable as taught by Christman et al. The motivation to combine is that making the cartridge releasable allows the cartridge to be replaced while retaining a handle.

Regarding claim 10, Burout et al. teaches all the limitations of the claimed invention except for the limitation that at least one of said pivot members on the support members be female.

Christman et al. teaches the use of female first pivot members (seen where 11 depends into the razor cartridge of figure 1).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Burout et al by replacing male pivot heads with female pivot heads as taught by Cristman. The motivation to combine is that male and female pivot heads are art recognized equivalents. Therefore, because these two elements were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute female pivot heads for male pivot heads.

Regarding claim 13, Burout et al. further discloses that support members are deformable in response to externally applied force such that a relative angle between successive razor blades is variable.

Regarding claim 14 Burout et al. discloses that the cutting surface is variable throughout the shaving process (column 7 lines 9-20), and it is *inherent* that this causes the cutting surface to be variably convex to concave. Referring to figure 7, if the prevailing shaving force were on the lower (frontal) blade it would tilt such that the blade edge were pointing up and the connecting member would translate said shaving force to the rear blade tilting it down. This would be construed as outwardly facing concave. Likewise, if the rear blade were to have the prevailing shaving force placed on it, the front blade would tilt facing down, and this configuration would be construed as outwardly facing convex. This translation of forces is inherent in the design of Burout et al. It is disclosed in column 7 lines 8-25.

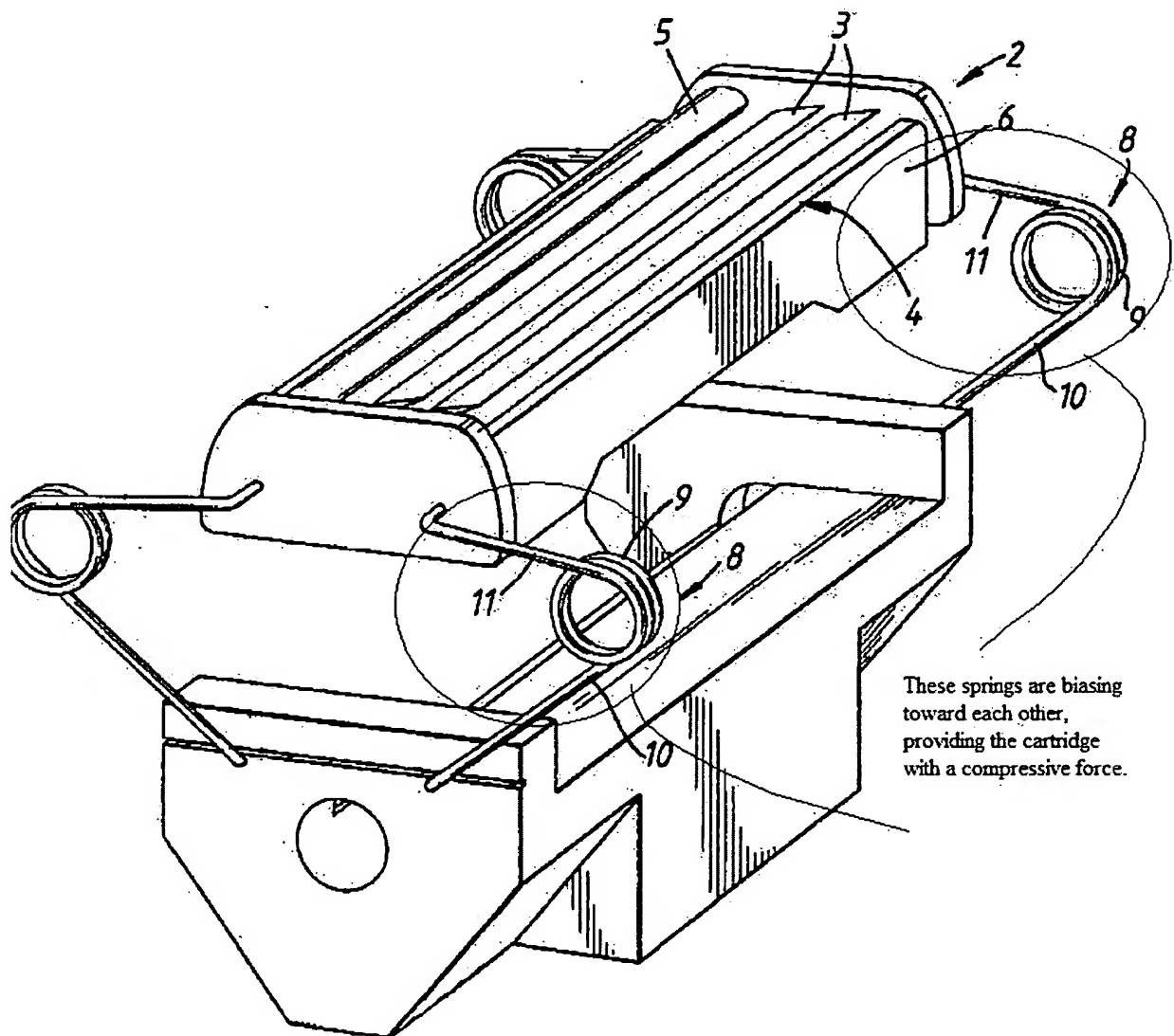
Regarding claim 15, it is inherent in the structure addressed above of Burout et al. that the relative angles between successive razor blades would be variable during a shaving process. The member 427 figure 7 would translate forces between the two blades and they would pivot about their respective pivot points, 439 and 429, during a shaving operation. (column 7 lines 8-25).

Regarding claim 16, Burout et al. in view of Christman et al meets all the limitations of the claim, as discussed above regarding claims 13-15.

Regarding claim 18, Burout et al. in view of Christman et al as discussed above meets all the limitations of the claim except for the limitation that the second ends be biased toward one another applying a compressive force to said razor cartridge retained therebetween.



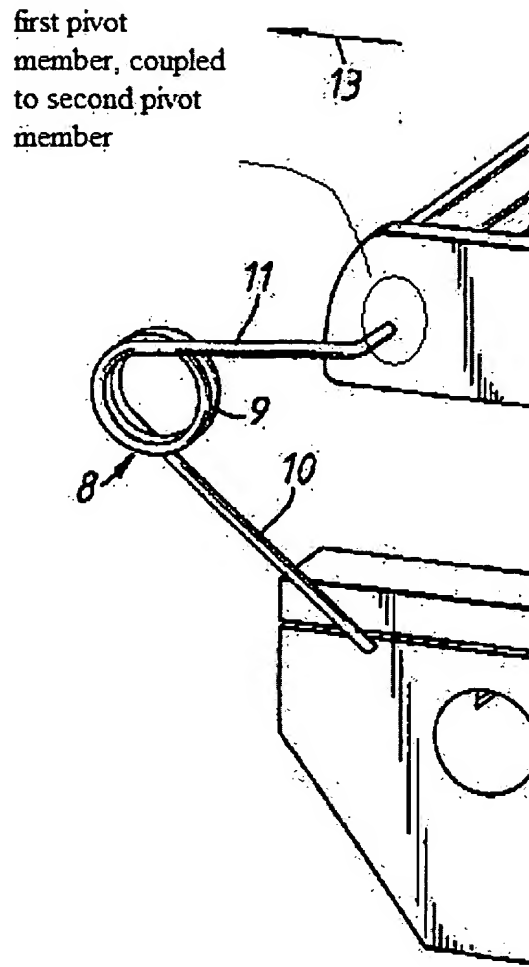
Christman further discloses that said second ends are biased toward one another applying a compressive force to said razor cartridge retained therebetween (column 3, lines 4-6, also see figure below).



*Fig.1*

Regarding claim 26 Burout et al. in view of Christman et al meets all the limitations of the claim as discussed in claim 14 above.

Regarding claim 27, Burout et al. in view of Christman et al as discussed above meets all the limitations of the claim. Christman teaches both fore and aft second pivot members (numbers 8, 9, 11 figure 1 form the pivot members) being attached to a handle (1 figure 1), via arm members ( 10 figure 1). It also teaches first pivot members (the female portion where second pivot members connect to the cartridge, seen in the figure below) being attached to said support members.



Regarding claim 28, Burout et al. in view of Christman et al as discussed above (specifically in regards to claims 10 and 27) meets all the limitations of the claim.

Regarding claim 31, Burout et al. in view of Christman et al as discussed above (specifically in regards to claims 14 and 27) meets all the limitations of the claim.

9. Claims 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burout et al. in view of Christman as applied to claims 6, 7, 10, 13-16, 26 and 27 above, and further in view of Coffin (USPGPUB 2004/0221455 A1).

Regarding claims 25 and 29, Burout et al. in view of Christman et al as discussed above meets all the limitations of the claim except for the limitation that the relative spacing between a cutting edge of successive razor blades is non-uniform.

Coffin teaches the use of non-uniform blade spacing (figure 6e).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Burout et al. in view of Christman et al by making the relative spacing between successive blades non-uniform as taught by Coffin. The motivation to combine is providing more comfort, better performance and more safety (page 3 column 1, first half of the column).

Regarding claim 30, Burout et al. in view of Christman et al as discussed above (specifically in regards to claims 18 and 27) teaches all the limitations of the claim.

#### ***Allowable Subject Matter***

10. Claims 17 and 19-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is an examiner's statement of reasons for allowance: Claims 19-24 essentially depend on the fact that the biasing of the arms causes the relative blade angle to change. While responses in relative blade angles (see Burout et al.) and spring loaded arms (see Dansreau USPGPUB 2003/0061718, for one) are both well known in the art, the cause and effect relationship between them is not.

Claim 17 requires that the arms be mounted about a single axis. This is disclosed in Dansreau, however there is no motivation to combine Dansreau with Christman. To do so would destroy Burout et al in view of Christman et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ferraro (USPN 4,774,765) teaches a razor cartridge with relative blade pivoting adjustability.

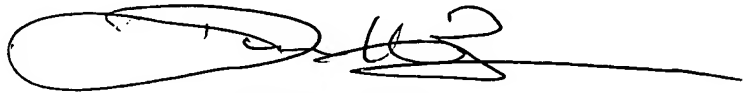
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMM



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700